UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE

Dated via electronic signature

Heath Rogers
Maine Turbo Diesels
20 Enterprise Dr,
Arundel, ME 04046-7978

Re: Clean Air Act Reporting Requirement – Maine Turbo Diesels

Dear Mr. Rogers:

The United States Environmental Protection Agency ("EPA") is evaluating whether Maine Turbo Diesels, with an address at 20 Enterprise Dr, Arundel, ME 04046-7978, is in compliance with the Clean Air Act ("CAA" or "Act") and requirements promulgated under the Act. In particular, EPA is investigating whether Maine Turbo Diesels is selling and/or installing aftermarket defeat devices for motor vehicles.

Sections 114(a) and 208(a) of the Act, 42 U.S.C. §§ 7414(a) and 7542(a), give EPA authority to require any person who is subject to the vehicle and engine requirements of the Act, 42 U.S.C. §§ 7521–7554, to establish, maintain, and make available information EPA may reasonably require determining compliance with these requirements or related regulations.

This Reporting Requirement directs Maine Turbo Diesels to submit information relating to activities at all locations where Maine Turbo Diesels may operate, including but not limited to 20 Enterprise Dr, Arundel, Maine. See Attachment 1 for a list of definitions. Specifically, Maine Turbo Diesels is required to provide responses to the following questions within 60 days of the date of this Reporting Requirement:

1. Provide the formal company name and a detailed description of the ownership and business structure of Maine Turbo Diesels, including date and state of incorporation and a

listing of partners or corporate officers. For each owner or proprietor, provide a name, mailing address, email address, and phone number.

2. Provide a description of the products and services offered by Maine Turbo Diesels.

3. For the period from October 1, 2020 through September 30, 2022:

    a. Identify each Tune or Tuner that allows the On-Board Diagnostic ("OBD") system to operate without recording diagnostic trouble codes ("DTCs") or illuminating malfunction indicator lights ("MILs") that Maine Turbo Diesels sold and/or installed on any vehicle including those vehicles used off-road and in competition.
    b. Identify each Part/Component that may bypass, defeat, or render inoperative an emissions control system that Maine Turbo Diesels sold and/or installed on any vehicle including those used off-road and in competition.
    c. **For each component**[1], identified in the response to Question 3a or 3b, fill out the attached spreadsheet to provide:

        i. The invoice date;
        ii. The invoice number;
        iii. The component number assigned by the manufacturer;
        iv. The component name;
        v. The component manufacturer;
        vi. The price paid to the manufacturer/vendor;
        vii. The sale price to the customer or end-user;
        viii. The customer's name;
        ix. The customer's address, town, state and zip code;
        x. Any applicable Executive Order Numbers issued by the California Air Resources Board ("CARB E.O."); and
        xi. The following information about the vehicles for which the component was installed or was intended. (Note that if component was installed, provide the specific vehicle information. If not, provide the compatible vehicle types on which the component can be installed):
            1. The make(s) of the vehicle(s);
            2. The model(s) of the vehicle(s);
            3. The model year(s) of the vehicle(s); and
            4. The specific vehicle identification number ("VIN"), in the event the component was installed.

    d. **For each component**, identified in response to Question 3a or 3b, fill out the attached spreadsheet to indicate: whether the component allows the OBD system

[1] Note that Tunes, Tuners, Parts/Components will be collectively referred to in this document as "components"

to operate without recording DTCs or MILs related to the following systems; or whether the component bypasses, defeats, or renders inoperative the following systems:

i. The Exhaust Gas Recirculation ("EGR") system;
ii. The Selective Catalytic Reduction ("SCR") system, or any sensors, signals, or records related to the SCR system;
iii. The Diesel Particulate Filter ("DPF") system or any sensors, signals, or records related to the DPF system;
iv. The Diesel Oxidation Catalyst ("DOC") system or any sensors, signals, or records related to the DOC system;
v. The Nitrogen Oxides Adsorber Catalyst ("NAC") system or any sensors, signals, or records related to the NAC system;
vi. The Three-Way Catalyst ("TWC") system or any sensors, signals, or records related to the TWC system; and/or
vii. The Positive Crankcase Ventilation ("PCV") system.

Affects in this case means: The tuner or tune alters, removes, or disables, without recording diagnostic trouble codes or illuminating malfunction indicator lights, or for other components the part bypasses, defeats, or renders inoperative.

4. Provide copies of all invoices and receipts[2] including customer information, that describe the components, identified in response to Questions 3.

If you do not provide the information when required, EPA may order you to comply and may assess monetary penalties for any failure to comply, under Sections 113 and 205 of the CAA, 42 U.S.C. §§ 7413, 7524. Federal law establishes criminal penalties for knowingly providing false information to EPA. This Reporting Requirement is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you. EPA may use any information provided in response to this Reporting Requirement in an administrative, civil, or criminal action.

[2] EPA will accept copies of these records in paper or in electronic formats such as portable document formats (pdfs) or QuickBooks records exported into a spreadsheet.

If you have any questions concerning this Reporting Requirement, please contact Hannah Patel of my staff at (617) 918-1724 or patel.hannah@epa.gov.

Sincerely,

KAREN MCGUIRE

Digitally signed by KAREN MCGUIRE
Date: 2022.09.13 08:50:16 -04'00'

Karen McGuire, Director
Enforcement and Compliance Assurance Division

Enclosures

Attachment 1: Definitions
Attachment 2: Maine Turbo Diesels Reporting Requirement Spreadsheet.xlsx

cc: ME DEP Eric Kennedy

Attachment 1

Definitions

All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.,* in the applicable mobile source regulations, including at 40 C.F.R. Parts 85, 86, 1039, and 1068, or defined below or elsewhere in this Reporting Requirement.

1. The term "diesel oxidation catalyst" or "DOC" refers to an exhaust emission control component that is designed to convert carbon monoxide and hydrocarbons into carbon dioxide and water.

2. The term "diesel particulate filter" or "DPF" refers to an exhaust emission control component that physically traps particulate matter (PM) and removes it from the exhaust stream.

3. The term "electronic control module" or "ECM" means a device that receives inputs from various sensors and outputs signals to control engine, vehicle, or equipment functions.

4. The term "emission control system" means any part/component and its associated fluids, sensors, signals, components, and control systems that functions primarily for emission control and whose deviation from original manufacturer specifications and/or failure may significantly increase emissions.

5. The term "exhaust gas recirculation" or "EGR" refers to an emission control component that directs a portion of engine exhaust back into the engine's combustion chamber in order to control combustion temperatures and pressures, thereby reducing the production of nitrogen oxides (NO_X). The EGR system may include a cooler, which cools the recirculated exhaust.

6. The term "NO_X adsorber catalyst" or "NAC" refers to an exhaust emission control component that is designed to reduce oxides of nitrogen using an adsorbent such as zeolite to trap the NO and NO_2 molecules.

7. The term "Positive Crankcase Ventilation" or "PCV" is an emissions control component designed to recycle emissions from the crank case to the intake manifold.

8. The term "selective catalytic reduction" or "SCR" refers to an emission control component that includes systems (the diesel exhaust fluid (DEF) tank, urea quality sensor, DEF injection system, SCR catalyst(s), and other associated sensors), which

inject a reductant, such as DEF, into the exhaust stream where it reacts with a catalyst to convert NO_X emissions to nitrogen gas and water.

9. The term "onboard diagnostics" or "OBD" refers to an ECM that monitors emission control and emission-related components and systems along with certain engine components, such as the fuel delivery system and the engine control module. When the OBD detects a malfunction or deterioration that could affect emissions, it illuminates a malfunction indicator light and produces diagnostic trouble codes to aid in repair.

10. The term "tune" means any combination of software programming, calculations, computer logic, calibration, tables of information (e.g., fuel timing maps), coding, or other content or information, stored in any form, capable of affecting or controlling an electronic control module. Note that "tune" includes tune licenses that are used to download tunes from the original manufacturer.

11. The term "tuner" means any device capable of accessing, altering, or replacing the software programming, calculations, computer logic, calibration, tables of information (e.g., fuel timing maps), coding, or other content stored within or used by an electronic control module, including but not limited to replacement engine control modules, flash programmer tools, performance chips, or piggyback controllers or modules.

12. The term "part/component" means any vehicle or engine part/component including, but not limited to tunes, tuners, and devices that bypass, defeat, or render inoperative emission control systems. These devices include but are not limited to exhaust systems that bypass emission control systems, EGR block off plates, PCV reroutes, etc.

13. The term "vehicle" refers to both a vehicle and a vehicle engine.

Attachment 2

Maine Turbo Diesels Requirement Spreadsheet.xlsx